

REMARKS

The Board of Appeals has affirmed the Examiner's rejection of Claims 1, 3-5, 8, 10-12, 14, 16, 26-28, and 31 under 35 U.S.C. 102(b) for being anticipated by Searby (U.S. Patent No. 5,765,186); Claim 15 under 35 U.S.C. 103(a) as being unpatentable over Searby; Claims 6, 7, 13, 29, and 30 under 35 U.S.C. 103(a) as being unpatentable over Searby, in view of Anderson (U.S. Patent Publication No. 2003/0200478 A1); Claims 2, 9, 17, and 19-25 under 35 U.S.C. 103(a) as being unpatentable over Searby, in view of Stolowitz (U.S. Patent No. 6,018,778); and Claim 18 under 35 U.S.C. 103(a) as being unpatentable over Searby, in view of Stolowitz, and further in view of Yamamoto (U.S. Patent No. 5,801,859).

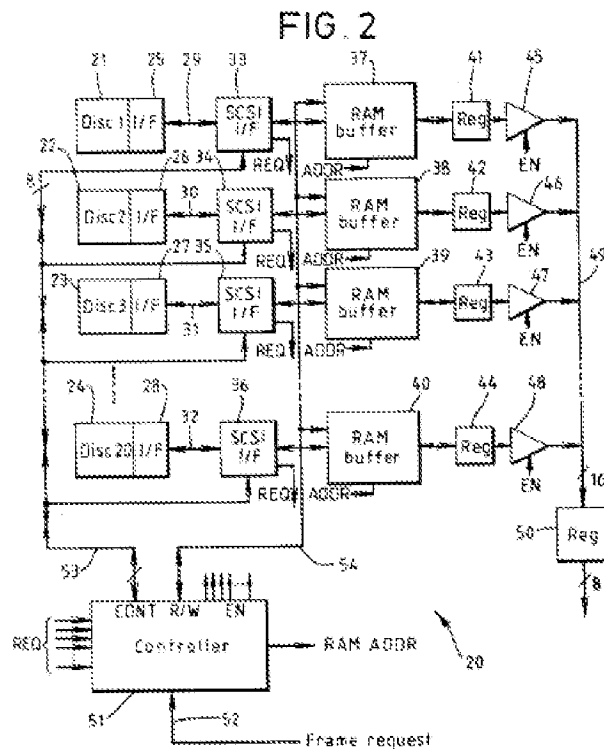
Applicant respectfully asserts that the independent claims have been amended to avoid the aforementioned rejections. For example, independent Claims 1, 10, and 17 have been amended as follows:

“initiating a READ command to each of the drives of the array, thereby causing each of the drives to retrieve selected elements of its stored data, and to transfer the retrieved data from the drive into its corresponding two-port memory using the timing signals provided by the respective drive, wherein for each of the drives, the drive provides one of the timing signals according to which the retrieved data is transferred from the drive into the drive's corresponding two-port memory” (see this or similar, but not necessarily identical language in independent Claims 1, 10, and 17).

On Page 11 of the Decision on Appeal decided 12/17/2009, the Board of Appeals has stated that “the [Searby] patent says sub-controllers can be substituted for the single controller to independently monitor request signals” such that applicant's claimed “‘by the respective drive’ is indeed met by Searby's alternative teaching for the functionality of the sub-controllers, because the signals to and from Searby's sub-controllers are associated with ‘each of the respective drives’ in the same manner as claimed.”

Applicant respectfully asserts that applicant has clarified the claims to expressly recite that “the drive provides one of the timing signals according to which the retrieved data from the drive is transferred into the drive’s corresponding two-port memory” (emphasis added), as claimed, which distinguishes from Searby’s sub-controllers that are merely associated with the drives, as noted by the Board of Appeals.

In particular, applicant respectfully points the Examiner to Col. 7, lines 12-16 of Searby which teaches that “this function of the controller 51 could, if desired, be realised by individual sub-controllers (not shown) between each of the second SCSI interfaces 33 to 36 and their respective RAM buffers 37 to 40” (emphasis added). Furthermore, Figure 2 (excerpted below) from Searby shows that the sub-controllers, which would be implemented **between each of the second SCSI interfaces 33 to 36 and their respective RAM buffers 37 to 40**, would not be capable of being used such that the drives 21-24 provide the timing signals.



To this end, Searby simply does not teach applicant's claimed technique "wherein for each of the drives, the **drive** provides one of the timing signals according to which the retrieved data from the drive is transferred into the drive's corresponding two-port memory" (emphasis added), as claimed.

With respect to independent Claim 26, applicant has amended such claim as follows:

"while synchronously storing the write data and the computed redundant data into the two-port memories, transferring stored data from a second port of each of the two-port memories into its corresponding disk drive, in each case transferring the previously-stored data responsive to timing control provided by the corresponding disk drive, wherein for each of the disk drives, the disk drive provides the timing control according to which the previously-stored data is transferred into the disk drive."

For at least the reasons noted above with respect to the remaining independent claims, applicant respectfully asserts that Searby simply does not disclose that "for each of the disk drives, the **disk drive** provides the timing control according to which the previously-stored data is transferred into the disk drive" (emphasis added), as claimed.

Furthermore, with respect to independent Claims 1, 10, and 17, applicant has amended such claims as follows:

"synchronously writing the synchronous read data into the buffer" (see this or similar, but not necessarily identical language in independent Claims 1, 10, and 17).

On Pages 9-10 of the Decision on Appeal decided 12/17/2009, the Board of Appeals has stated that "[w]e find that the claim does not require synchronously writing...the claimed 'read data'," and that "[s]ince [a]ppellant has not specified that the claimed 'writing' is a certain type of writing, Searby's teaching for writing sequentially to the register 50...suffices to meet the claim limitation."

Applicant respectfully asserts that by virtue of applicant's presently claimed "synchronously writing the synchronous read data into the buffer" (emphasis added), disclosure in Searby of writing sequentially to the register 50, as noted by the Board of Appeals, does not meet applicant specific claim language. Thus, the Examiner's rejection of Searby is believed to have been overcome.

With respect to the 102(b) rejection, the Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the above reference, as noted above.

With respect to the 103(a) rejection, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Thus, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NVIDP486).

Respectfully submitted,
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